

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : Confirmation No.
Saidi, Zahir et al. : 8648

Application Serial No.: 10/019,100 : Group Art Unit:
: 1627

Filed: August 21, 2003 :
:
For: AQUEOUS COMPOSITIONS CONTAINING : Examiner:
CORTICOSTEROIDS FOR NASAL AND : Layla Soroush
PULMONARY DELIVERY :
X

FILED ELECTRONICALLY ON USPTO EFS-WEB ON NOVEMBER 9, 2009 BY MARISSA T.
GERARDO FOR VYACHESLAV V. VASILYEV, REG. NO. 58,154

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO THE NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF

SIR:

This communication is in response to the Notification of Non-Compliant Appeal Brief, issued on October 9, 2009.

REMARKS

On October 10, 2009, Patent Appeal Specialist Cassandra Downs issued Notification of Non-Compliant Appeal Brief. The reasons for these notifications were as follows:

first, Specialist Downs stated that “Prosecution History of the Application” is not a proper heading;

second, she stated that the brief does not contain a statement of the status of all claims as requested in 37 CFR § 41.37(c)(1)(iii); and

third, she stated that the brief does not contain a correct copy of appealed claims as an appendix to the brief (37 CFR § 41.37(c)(1)(viii)).

Appellants thank Patent Specialist Downs for the helpful suggestions to the undersigned during the telephone conversation of November 9, 2009. During that phone conversation, it was agreed that the heading “Prosecution History of the Application” would be used as a subheading within one of the sections of the brief. Accordingly, Appellants deleted that heading and included it as a sub-heading within the section entitled “Argument.” Further, the section entitled “Status of claims” has been amended and now identifies the status of each of the claims in this application, including withdrawn and/or cancelled claims. In addition, the Claim Appendix lists only the claims involved in this Appeal.

Accordingly, Appellants respectfully submit that the revised Appeal Brief submitted herewith fully complies with 37 CFR § 41.37(c).

Finally, Patent Appeals Specialist Downs suggested that the entire copy of the Brief was not required to correct the deficiencies of the originally filed Brief. During the phone conversation with Appellants’ representative, it was agreed that Appellants would submit the Brief, but

without any Evidence submissions, which are to be used from the submission of September 15, 2009.

CONCLUSION

Appellants respectfully submit that the Brief accompanying this response fully complies with 37 CFR § 41.37(c) and is now in condition to be examined on merits.

However, if such an action cannot be taken at this time, Appellants respectfully request a phone call to the undersigned.

Commissioner is hereby authorized to charge any fees in connection with this appeal, or with any other related matters before the PTO, to the undersigned's Deposit Account No. 50-1943.

Respectfully submitted,

Date: November 9, 2009

/Vyacheslav V. Vasilyev/
Vyacheslav V Vasilyev Esq.,
Reg. No. 58,154
Fox Rothschild LLP
997 Lenox Drive, Building 3
Lawrenceville, NJ 08648-2311
Tel: (609) 844-3021
Fax: (609) 896-1469
Attorney for Appellants